

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-271-JDR

GLENN DAVID NICKOLS,

Defendant.

MOTION FOR DOWNWARD DEPARTURE

Comes now the Defendant, Glenn David Nickols, by and through undersigned counsel and hereby moves this Court to depart from the guidelines pursuant to U.S.S.G. § 5K2.23. In support of this motion, the defendant states as follows:

1. Mr. Nickols pled guilty to the two charged counts of the indictment: Count One: Aggravated Sexual Abuse of a Minor under the age of 12 in Indian Country in violation of 18 U.S.C. §§1151, 1152 and 2241(c) and Count Two: Sexual Exploitation of a Child in violation of 18 U.S.C. §§2252(a) and (e). Count One carries a minimum mandatory sentence of not less than thirty years and up to life. Count Two carries a minimum mandatory sentence of not less than 15 years nor more than 30 years imprisonment.
2. The guideline range calculated in Mr. Nickols presentence report is life.
3. U.S.S.G. §5K2.23 permits the court to depart downward if, under U.S.S.C.

§5G1.3(b), the Defendant is serving a term of imprisonment related to the instant case. On March 4, 2022 Mr. Nickols received two ten year sentences (which are run concurrently with each other) in Delaware County District Court. As noted in the presentence report, in Paragraph 22, the arrest formed the basis of the instant offense and is described in the The Offense Conduct section of the presentence report.

4. The court has the authority to adjust the sentence for any period of imprisonment already served, and also should¹ run the sentence for the federal offense concurrently with the undischarged Delaware County sentence.

Wherefore, Mr. Nickols requests this court to grant this motion for downward departure.

Respectfully submitted this 4th day of April, 2024.

OFFICE OF THE FEDERAL PUBLIC DEFENDER
Julia L. O'Connell, Federal Public Defender

By: /s/ Christina L. Hunt

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Counsel for Defendant

¹ §5G1.3(b)(2) states that the sentence for the instant offense *shall* be imposed to run concurrently with the remainder of the undischarged term of imprisonment.

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Christopher Jordon Nassar
Assistant United States Attorney

/s/ Christina L. Hunt
Christina L. Hunt, GA Bar No. 378501
Assistant Federal Public Defender